

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11803-MLW

SHENIADANCY STEWART as  
Administratrix of the Estate of EVELINE  
BARROS-CEPEDA,

**Plaintiff,**

v.

THOMAS TAYLOR, Jr., and the CITY OF  
BOSTON,

**Defendants**

**JOINT MOTION TO EXTEND DISCOVERY, PRETRIAL CONFERENCE AND  
TRIAL DEADLINES**

Pursuant to this Court's August 28, 2006 Scheduling Order, the parties hereby respectfully request that this Court extend the Scheduling Order deadlines for discovery and trial in the above-captioned matter by approximately nine (9) months. As grounds therefore, the parties state the following:

1. The parties have continued to engage in discovery of this matter, and such efforts remain ongoing.
2. To that end, the Defendants have provided Plaintiffs with voluminous documents. Both the Defendants' production and the Plaintiff's review of these voluminous documents have required extensive time and preparation.
3. Additionally, depositions of several witnesses in this case have been attempted, but have proved unsuccessful, due to the witnesses' failure to appear.
4. The scheduling of witness depositions have also been complicated by counsel's scheduling conflicts.
5. Scheduling has been further complicated by the recent changes in defense counsel.

6. The parties and their counsel, however, continue to work together to schedule and complete the necessary depositions and complete the necessary discovery.
7. Allowing this extension will allow the parties to continue these efforts and complete additional depositions of percipient witnesses and document production, if necessary. Plaintiff, for example, has recently advised defense counsel that after review of Defendants' previous document production, Plaintiff will be seeking additional documents from the Defendants.
8. The parties have not previously requested a discovery extension.
9. Allowing this motion will not prejudice any party to the action and permitting this extension to will further the interests of justice.
10. Should this Court allow the parties' motion, the parties propose the following:
  - (a.) The plaintiffs' expert witnesses shall be designated by JUNE 30, 2008, and defendants' expert witnesses shall be designated within 30 days after plaintiff discloses said expert(s) as contemplated by Fed. R. Civ. P. 26(b)(4)(A); designation of experts shall include provision of any information required by the Federal Rules of Civil Procedure and/or the Local Rules of the District of Massachusetts; any expert depositions shall be completed within 60 days of defendants' expert designation;
  - (b.) All discovery shall be completed by AUGUST 31, 2008;
  - (c.) That the scheduling conference, currently set for DECEMBER 19, 2007 at 3:00 PM, be continued to SEPTEMBER 14, 2008 or another date this Court deems appropriate. At said conference, the schedule for filing motions for summary judgment will also be established.
  - (d.) That the final pretrial conference, set for JANUARY 17, 2008 at 3:00 PM, be continued to October 14, 2008; and
  - (e.) That the trial, set for January 28, 2008, be continued to NOVEMBER 1, 2008.

WHEREFORE, the parties respectfully request that this Honorable Court allow their motion. In further support of this motion, the parties attach an affidavit from counsel.

PLAINTIFF,  
SHENIA DANCY-STEWART as  
Administratrix of the Estate of EVELINE  
BARROS-CEPEDA,

By her attorney,

/s/ Andrew Stockwell-Alpert

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Respectfully submitted,

DEFENDANTS,  
CITY OF BOSTON, AND  
THOMAS TAYLOR, JR.

By their attorneys:

/s/ Helen G. Litsas

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Date: 10/3/07



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v.

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**Defendants**

**AFFIDAVIT OF HELEN G. LITSAS**

I, HELEN G. LITSAS, on oath, do hereby depose the following:

1. I currently represent the Defendants, the City of Boston, and Thomas Taylor, Jr., in the above-captioned matter.
2. Since the inception of this case, the parties have engaged in discovery, and such efforts remain ongoing.
3. To that end, the Defendants have reviewed, prepared and produced voluminous documents for discovery production.
4. The parties have also worked together to schedule additional depositions, but complications have arisen with the scheduling conflicts of both parties.
5. Additionally, while the depositions of several witnesses in this case were noticed, these depositions did not go forward as the witnesses failed to appear.
6. Scheduling has also been further complicated by the recent and unexpected changes in defense counsel. I, along with Attorney Evan Ouellette, initially represented the Defendants until approximately March 2007. In March 2007, I left the City of Boston Law Department and entered private practice.
7. Attorney Thomas Donohue of the City of Boston Law Department subsequently succeeded me as successor counsel. When Attorney

Donohue then also departed the City of Boston, I was retained as outside counsel to once again represent the defendants, the City of Boston and Thomas Taylor, Jr. I then filed a Notice of Appearance on September 6, 2007.

8. The parties and their counsel continue to work cooperatively together to schedule and complete the necessary depositions and complete the necessary discovery.
9. An extension will facilitate the parties' efforts to complete additional depositions of percipient witnesses and document production, if necessary. Plaintiff, for example, has recently informed me that after review of Defendants' previous document production, Plaintiff will likely be seeking production of additional documents from the Defendants.
10. The parties have not previously requested an extension of discovery deadlines.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS 28<sup>TH</sup> OF SEPTEMBER.

Helen G. Litsas

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/s/ Helen G. Litsas